

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SANTENDER CONSUMER USA, INC.,

Plaintiff,

MEMORANDUM & ORDER

22-CV-4428 (EK) (ARL)

-against-

INCORPORATED VILLAGE OF HEMPSTEAD,
AAAA NASSAU, INC., and WILLIAM
CARLOTTI,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Lindsay's Report and Recommendation (R&R) dated February 4, 2025 and served on February 10, 2025. ECF Nos. 51, 52. Judge Lindsay recommends that the Court strike the answer of defendant AAAA Nassau, Inc. d/b/a Nassau Auto Body & Towing ("AAAA") for its failure to response to discovery requests served more than two years ago, grant a default judgement against AAAA, and stay a determination of damages until claims against the non-defaulting defendant are resolved. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Lindsay's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; *accord State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, AAAA's answer is stricken and default judgment is granted. The determination of damages against AAAA shall be stayed until the claims against Village of Hempstead are resolved, at which point Santander can move for a determination of damages against AAAA.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: February 25, 2025
Brooklyn, New York